

TIVERTON TOWN COUNCIL AGENDA

Tiverton Town Hall

343 Highland Road

Tiverton, Rhode Island 02878

Regular Meeting: Monday, January 9, 2012 at 7:00 p.m.

NOTE: Individuals requesting interpreter services for the hearing impaired must contact the Town Clerk's Office at 343 Highland Road or call (401) 625-6704 forty-eight (48) hours in advance of the meeting date.

DATE POSTED: 01-05-2012

1. PLEDGE OF ALLEGIANCE TO THE FLAG

2. ROLL CALL

Jay Lambert-President David M. Nelson

Cecil E. Leonard-Vice President Brett N. Pelletier

Joan B. Chabot Edward Roderick

Robert D. Coulter

3. APPROVAL OF CONSENT AGENDA

All items listed with a (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests, in which event the item will be

removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

4. A. BUSINESS BROUGHT BEFORE THE COUNCIL

CONSENT AGENDA:

(C.A.) 1. a. Approval of Minutes from Executive Session on December 12, 2011

b. Approval of Minutes from Regular Council Meeting November 14, 2011

c. Approval of Minutes from Executive Session on November 14, 2011

(C.A.) 2. Receipt of Minutes from the Following Boards, Commissions

a. Art Council

b. Conservation Commission

c. Fogland Beach Oversight Committee

d. Harbor & Coastal Waters Management Commission

e. Historic Cemeteries Commission

f. Zoning Board of Review

(C.A.) 3. Correspondence – Receive and File

a. Received From RI Interlocal Risk Management Trust – Annual Dinner Meeting Thursday,

January 19, 2012

b. Received From Middletown Town Council – Resolution Opposing

Increased Tolls for the Newport Pell Bridge

c. Resolution Received From Charlestown Town Council Requesting Support for General Assembly to Consider Legislation Regarding Temporary Moratorium on For-Profit Low and Moderate Income Housing

d. Email Received From Adam and Kristin Silveira Regarding 4046 Main Road Property

Response From Code Enforcement Gareth Eames

(C.A.) 4. Approval of Tax Assessor Abatements

(C.A.) 5. Chief Lloyd – Request Permission to Advertise to Create Potential Hiring List for Probationary

Fire Fighters

A-1 OPEN PUBLIC FORUM

Public Forum for Announcements, Comments, Questions

B –PUBLIC HEARINGS & PUBLIC PRESENTATIONS

1. Public Input Hearing for Proposed Amendments to Fee Schedule Resolution

a. Recycling Fees

b. Mooring Fees and Due Dates

c. Building, Electrical, Plumbing and Mechanical Inspection Fees and Language

C. BOARD OF LICENSING

PUBLIC HEARING - ADVERTISED

1. Fu Li Hua Corp. d/b/a Asian Gourmet , 1715 Crandall Road – Request BVL (Limited Beer and Wine) License– Subject to Meeting All Legal Requirements

NON ADVERTISED LICENSE RENEWALS (December 1, 2011 to November 30, 2012)

2. Chester R. Wilkie, Jr. Excavating, Little Compton, RI – Requests Annual Renewal of Street Excavator License - Subject to Meeting All Legal Requirements – Late Renewal

D - APPOINTMENTS & RESIGNATIONS:

1. Recreation Commission

Resignation of Josh Mello

2. WasteWater Management – (Two available (3) year positions – Expiring 4/15/14)

Request for Appointment - Margaret M. Murphy, 73 Cypress Avenue

E - UNFINISHED BUSINESS:

1. Councilor Lambert and Councilor Coulter – Discussion and

Possible Vote on Disposition of Community Center – Continued From December 12th Meeting

- a. Memorandum From Christopher Spencer, Town Planner Regarding Usage of Community Ctr**
- b. Town Administrator Response on Possibility of Leasing Vacant Bank Building**

2. Councilor Coulter – Disposition of Town Buildings - Request Status Report and Vote Further Action as Appropriate

3. Councilor Leonard – Request Town Administrator Provide More Detail Financial Impact Statement on Teamster Contract – Continued From December 12th Meeting

- a. Town Administrator Response**

4. DPW Director/Street Committee – Request Council Vote on Recommendation of DPW Services for Adelard Avenue, Clair Avenue, Murray Way and Grandview Avenue – Request Continuance to January 23rd Meeting

5. Town Administrator – Submission of FY 12-13 Provisional Budget and Recommended Priorities for Town Council Review and Comment Including Possible Vote to Forward to Budget Committee – Continued From Dec. 12th

6. Councilor Leonard – Wind Turbine and Industrial Park Issues

Follow Up on Issues Pertaining to Wind Turbine Installation in the Industrial Park and Other Areas of Tiverton As Well As Council Workshop on January 30, 2012 for Council Discussion and Possible Vote on One or More Issues

7. Councilor Chabot – Town Personnel Manual – Request Town Administrator Provide Target Dates for Completion of Each Section of the Town Personnel Manual – Continued From Dec.12th

a. Town Administrator Response

8. Town Administrator – PAYT Free Bag Program – Suggested Guidelines and Verification Process To Qualify for Free Bags – Continued From December 12th Meeting for Additional Information

a. Town Administrator's Response

b. Councilor Pelletier – Memorandum Regarding Tiverton's Demographics and Low Income Guidelines/Affordability and Comments on Needs-Based Programs in Town as They Relate To PAYT Bags and Elderly Real Estate Exemptions

9. Councilor Coulter – Request Final Adoption of Policy: Boards, Commissions, and Committees

and Implementation Commencing January 2012

a. Councilors Pelletier and Coulter – Assign Informal Town Council Liaisons

to Major Boards and Commissions – Continued From

December 12th Meeting

b. List of Council Members Volunteering for Liaison Positions

10. Councilor Coulter – Proposed Policy: Provide Public with Notice and Opportunity to Give Feedback throughout Contract Negotiation Process – Continued From December 12th Meeting

11. Councilor Pelletier – Request Town Administrator Provide an Update on the Revaluation Project and Current Exemption Process

12. Councilor Coulter, Lee Hoyer –Request Establishment of Ad Hoc Library Coordination Committee

F – FINANCIAL BUSINESS:

G - NEW BUSINESS:

1. Economic Development Commission – Tiverton Zoning Modernization Initiative – Power Point Presentation Seeking Council Approval of Zoning Initiative Proposal and Formation of a Preliminary Management Committee With Proposed 2012/13 Budget

2. Councilor Coulter – Discuss Process/Potential for Contract Offers to Department Heads

a. Open Discussion on Ability to Extend Contract Offers to Some or

All Department Heads

b. Report to Public Status of Unionization Efforts

3. Councilor Coulter – Department Discretionary Budget Program/Carryforward & Transfer Policies

a. Introduce Working Draft of Policy for New Dept Discretionary Budgets

b. Introduce Working Draft of Policy to Document Carryforward and Transfer Practices

4. Councilors Lambert and Coulter – Present Draft of One Year Report to Town Council President

5. Councilor Coulter – Introduce Working Draft of Policy Pertaining to Property Tax Installment Payments and Interest and Other Relief Measures

a. Provision for Installment Payments

b. Reduce Interest Rate

c. Apply Interest Only to Delinquent Installment

d. Late Installment Waiver Program

e. Waive Impact on Business Licenses

f. Tax Forbearance Program

H – BIDS AND REQUESTS FOR PROPOSALS

1. Town Administrator – Request Permission to Award Bid for High

Efficiency Gas Boiler for Town Hall Funded by Energy Grant to Valcourt Heating, Little Compton in the Amount of \$14,480.00

2. Town Maintenance, Robert Martin – Request Permission to Award Bid for 325 Feet of Fencing at Bulgarmarsh Park to be Paid by DEM Federal Grant Monies to Green Acres Landscape & Construction, Lakeville, MA for \$7,425.00

3. Town Administrator – Request to Waive Bidding for Replacement of Window in Town Administrator’s Office and Award Purchase to Horner Millworks for \$1,947.79 and Installation by Horner Sub-Contractor for \$1,178.52

I - TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS

J – COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS

K – TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS

1. Brief Update on Tiger Tree/James Pelletier v Tiverton

a. DEM Letter Dated 12/22/11

b. Solicitor Email Dated 12/26/11 to David Chopy, DEM

c. Decision of Agricultural Permit Dated 12/21/11- Received 12/27/11

d. DEM Inspection Report Dated 12/28/11

2. Tiverton School Committee v. Town of Tiverton

- a. School Committee Memorandum to Supreme Court**
- b. Town of Tiverton Reply Memorandum to Supreme Court**
- c. Letter From Attorney Robinson Dated 12/9/11 to Solicitor Teitz**
- d. Letter From Attorney Robinson Dated 12/15/11 to Solicitor Teitz**

3. DEM v School Committee

Report on Meeting of Town Solicitor With Attorney Sean Coffee

4. Open Meetings Act

- a. Complaint From Donna Cook**
- b. Solicitor's Response**

L- TOWN CLERK ANNOUNCEMENTS

- 1. Scheduling of Workshop Agenda on January 30, 2012 With Planning Board**

5. CLOSED EXECUTIVE SESSION

- 1. Litigation -42-46-5(a)(2) - Solicitor's Opinion Letter to Auditors Distributed Dec.12, 2011, Discussion**
- 2. Litigation -42-46-5(a)(2) Tiger Tree/James Pelletier v Tiverton**
- 3. Litigation -42-46-5(a)(2) Campbell et al v Town of Tiverton (TYC)**

A portion of this meeting may be held in executive session pursuant to the Open Meeting Law, Section 42-46-5(a) of the

General Laws of Rhode Island, 1956 (1986 Reenactment), as amended

6. ADJOURNMENT Pursuant to RIGL §42-46-6(b). Notice – “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”